

A BILL TO BE ENTITLED

1 AN ACT

2 relating to election integrity and preservation of the purity of
3 the ballot box through the prevention of fraud in the conduct of an
4 election; increasing criminal penalties; creating criminal
5 offenses.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 ARTICLE 1. GENERAL PROVISIONS

8 SECTION 1.01. SHORT TITLE. This Act may be cited as the
9 Election Integrity Protection Act of 2021.

10 SECTION 1.02. PURPOSE. The purpose of this Act is to
11 exercise the legislature's constitutional authority under Section
12 4, Article VI, Texas Constitution, to make all laws necessary to
13 detect and punish fraud and preserve the purity of the ballot box.

14 SECTION 1.03. FINDINGS. The legislature finds that:

15 (1) full, free, and fair elections are the underpinnings
16 of a stable constitutional democracy;

17 (2) fraud in elections threatens the stability of a
18 constitutional democracy by undermining public confidence in the
19 legitimacy of public officers chosen by election;

20 (3) reforms are needed to the election laws of this
21 state to ensure that fraud does not undermine the public confidence
22 in the electoral process;

23 (4) Section 4, Article VI, Texas Constitution entrusts
24 the enactment of laws to combat fraud in the electoral process to

1 the sound discretion of the legislature; and

2 (5) the reforms to the election laws of this state made
3 by this Act are not intended to impair the right of free suffrage
4 guaranteed to the people of Texas by the United States and Texas
5 Constitution, but are enacted solely to prevent fraud in the
6 electoral process.

7 SECTION 1.04. Chapter 1, Election Code, is amended by adding
8 Section 1.0015 to read as follows:

9 Sec. 1.0015. LEGISLATIVE INTENT. To reduce the likelihood of
10 fraud in the conduct of elections, it is the intent of the
11 legislature that the provisions of this code shall be applied
12 evenly, and the conduct of elections throughout this state shall be
13 uniform and consistent.

14 SECTION 1.05. Section 1.003, Election Code, is amended by
15 adding Subsection (c) to read as follows:

16 (c) The provisions of this code shall be strictly construed
17 by a public official to effect the intent of the legislature under
18 Section 1.0015.

19 SECTION 1.06. Section 1.005, Election Code, is amended by
20 adding Subdivision (15-a) to read as follows:

21 (15-a) "Public official" means a person elected,
22 selected, appointed, employed, or otherwise designated as an
23 officer, employee, or agent of this state, a government agency, a
24 political subdivision, or any other public body established by
25 state law.

1 ARTICLE 2. REGISTRATION AND CONDUCT OF ELECTIONS

2 SECTION 2.01. Sections 16.001(a) and (b), Election Code, are
3 amended to read as follows:

4 (a) Each month the local registrar of deaths shall prepare an
5 abstract of each death certificate issued in the month for a
6 decedent 18 years of age or older who was a resident of the state
7 at the time of death. The local registrar of deaths shall file
8 each abstract with the voter registrar of the decedent's county of
9 residence and the secretary of state as soon as possible, but not
10 later than one [~~the 10th~~] day after [~~of the month following the~~
11 ~~month in which~~] the abstract is prepared.

12 (b) Each month the clerk of each court having probate
13 jurisdiction shall prepare an abstract of each application for
14 probate of a will, administration of a decedent's estate, or
15 determination of heirship, and each affidavit under Chapter 205,
16 Estates Code, that is filed in the month with a court served by the
17 clerk. The clerk shall file each abstract with the voter registrar
18 and the secretary of state as soon as possible, but not later than
19 one [~~the 10th~~] day after [~~of the month following the month in~~
20 ~~which~~] the abstract is prepared.

21 SECTION 2.02. Subchapter C, Chapter 125, Election Code, is
22 amended by adding Section 125.0621 to read as follows:

23 Sec. 125.0621. LOGS OF ISSUED AND SPOILED BALLOTS. If an
24 electronic voting system uses paper media for recording votes cast,
25 the election officer shall maintain a record of the serial numbers

1 of all ballots issued at that polling place and the serial numbers
2 of any spoiled ballots, if any. All logs maintained under this
3 section are election records subject to public inspection as
4 provided by Section 1.012.

5 ARTICLE 3. ELECTION OFFICERS AND OBSERVERS

6 SECTION 3.01. Section 32.075, Election Code, is amended by
7 amending adding Subsection (g) to read as follows:

8 (g) A presiding judge may not:

9 (1) have a watcher appointed under Subchapter A, Chapter
10 33, removed from the polling place; or

11 (2) require a watcher appointed under Subchapter A,
12 Chapter 33, to leave the polling place.

13 SECTION 3.02. Subchapter D, Chapter 32, Election Code, is
14 amended by adding Section 32.077 to read as follows:

15 Sec. 32.077. REMOVAL OF A POLL WATCHER FROM POLLING PLACE. A
16 poll watcher may be removed from a polling place only if the poll
17 watcher engages in activity that would constitute an offense
18 related to election fraud, including an offense under Chapter 276.

19 SECTION 3.03. Chapter 33, Election Code, is amended by adding
20 Section 33.0015 to read as follows:

21 Sec. 33.0015. PURPOSE. The purpose of this chapter is to
22 preserve the purity of the ballot box in accordance with Section 4,
23 Article VI, Texas Constitution, by providing for the appointment of
24 watchers to observe the conduct of an election and call to the
25 attention of an election officer potential irregularities or

1 violations of law in the conduct of the election.

2 SECTION 3.04. Section 33.051, Election Code, is amended by
3 adding Subsections (g) and (h) to read as follows:

4 (g) An election officer commits an offense if the officer
5 intentionally or knowingly refuses to accept a watcher for service
6 when acceptance of the watcher is required by this section.

7 (h) An offense under Subsection (g) is a Class B misdemeanor.

8 SECTION 3.05. Subchapter C, Chapter 33, Election Code, is
9 amended by adding Section 33.0605 to read as follows:

10 Sec. 33.0605. OBSERVING DATA STORAGE SEALING AND TRANSFER. A
11 watcher appointed to serve at a polling place in an election may
12 observe the sealing and transfer of a memory card, flash drive,
13 hard drive, data storage device, or other medium now existing or
14 later developed used by the voting system equipment.

15 SECTION 3.06. The heading to Section 33.061, Election Code,
16 is amended to read as follows:

17 Sec. 33.061. UNLAWFULLY OBSTRUCTING OR REMOVING WATCHER.

18 SECTION 3.07. Section 33.061(a), Election Code, is amended to
19 read as follows:

20 (a) A person commits an offense if the person serves in an
21 official capacity at a location at which the presence of watchers
22 is authorized and knowingly prevents a watcher from observing an
23 activity the watcher is entitled to observe, including by having a
24 watcher removed from the polling place or requiring a watcher to
25 leave the polling place, unless the watcher engages in activity

1 that would constitute an offense related to election fraud,
2 including an offense under Chapter 276.

3 SECTION 3.08. Section 61.001, Election Code, is amended by
4 amending Subsection (a) and adding Subsection (a-1) to read as
5 follows:

6 (a) Except as permitted by this code and as described by
7 Subsection (a-1), a person may not be in the polling place from the
8 time the presiding judge arrives there on election day to make the
9 preliminary arrangements until the precinct returns have been
10 certified and the election records have been assembled for
11 distribution following the election.

12 (a-1) Under this code, a person may be lawfully present in a
13 polling place during the time described by Subsection (a) if the
14 person is:

15 (1) an election judge or clerk;

16 (2) a watcher;

17 (3) the secretary of state;

18 (4) a staff member of the elections division of the
19 secretary of state's office when performing an official duty
20 authorized under this code;

21 (5) a staff member of an election official or sheriff,
22 only when delivering election supplies;

23 (6) a state inspector;

24 (7) a person admitted to vote;

25 (8) a child under 18 years of age who is accompanying a

1 parent who has been admitted to vote;

2 (9) a person providing assistance to a voter under
3 Section 61.032 or 64.032;

4 (10) a person accompanying a disabled voter;

5 (11) a special peace officer appointed by the presiding
6 judge under Section 32.075;

7 (12) the county chair of a political party conducting a
8 primary election, as authorized by Section 172.1113;

9 (13) a voting system technician, as authorized by
10 Section 125.010;

11 (14) the county elections administrator only when
12 performing an official duty authorized by this code;

13 (15) a person whose presence has been authorized by the
14 presiding judge and the alternate presiding judge in accordance
15 with this code.

16 SECTION 3.09. Section 86.006, Election Code, is amended by
17 amending Subsection (a-1) to read as follows:

18 (a-1) The voter may deliver a marked ballot in person to the
19 early voting clerk's office only while the polls are open on
20 election day. A voter who delivers a marked ballot in person must
21 present an acceptable form of identification described by Section
22 63.0101. A poll watcher is entitled to observe the delivery of
23 ballots under this subsection. The poll watcher must be able to
24 determine how the ballots are being delivered and how election
25 officials are making decisions about the delivery of ballots, if

1 applicable. The poll watcher may not disrupt the process of
2 delivering ballots.

3 SECTION 3.10. Section 87.026, Election Code, is amended to
4 read as follows:

5 Sec. 87.026. BYSTANDERS EXCLUDED. (a) Except as permitted by
6 this code and as described by Subsection (b), a person may not be
7 in the meeting place of an early voting ballot board during the
8 time of the board's operations.

9 (b) Under this code, a person may be lawfully present in the
10 meeting place of an early voting ballot board during the time of
11 the board's operations if the person is:

12 (1) a presiding judge or member of the board;

13 (2) a watcher;

14 (3) a voting system technician, as authorized by Section
15 125.010;

16 (4) a county elections administrator only when performing
17 an official duty authorized by this code; or

18 (5) a person whose presence has been authorized by the
19 presiding judge and the alternate presiding judge in accordance
20 with this code.

21 SECTION 3.11. Subchapter A, Chapter 127, Election Code, is
22 amended by adding Section 127.008 to read as follows:

23 Sec. 127.008. BYSTANDERS EXCLUDED. (a) Except as permitted
24 by this code and as described by Subsection (b), a person may not
25 be in a central counting station while ballots are being counted.

1 (b) Under this code, a person may be lawfully present in the
2 central counting station while ballots are being counted if the
3 person is:

4 (1) a counting station manager, tabulation supervisor,
5 assistant to the tabulation supervisor, presiding judge, or clerk;

6 (2) a watcher;

7 (3) a voting system technician, as authorized by Section
8 125.010;

9 (4) a county elections administrator only when
10 performing an official duty authorized by this code; or

11 (5) a person whose presence has been authorized by the
12 counting station manager in accordance with this code.

13 ARTICLE 4. ASSISTANCE OF VOTERS

14 SECTION 4.01. Subchapter B, Chapter 64, Election Code, is
15 amended by adding Section 64.0322 to read as follows:

16 Sec. 64.0322. SUBMISSION OF FORM BY ASSISTANT. (a) A person,
17 other than an election officer, who assists a voter in accordance
18 with this chapter is required to complete a form stating:

19 (1) the name and address of the person assisting the
20 voter;

21 (2) the manner in which the person is assisting the
22 voter;

23 (3) the reason the assistance is necessary; and

24 (4) the relationship of the assistant to the voter.

25 (b) When submitting the form required by this section, a

1 person must present an acceptable form of identification described
2 by Section 63.0101.

3 (c) The secretary of state shall prescribe the form required
4 by this section. The form must be incorporated into the official
5 carrier envelope if the voter is voting an early voting ballot by
6 mail and receives assistance under Section 86.010, or must be
7 submitted to an election officer at the time the voter casts a
8 ballot if the voter is voting at a polling place or under Section
9 64.009.

10 SECTION 4.02. Section 64.034, Election Code, is amended to
11 read as follows:

12 Sec. 64.034. OATH. A person selected to provide assistance
13 to a voter must take the following oath, administered by an
14 election officer at the polling place, before providing assistance:

15 "I swear (or affirm) that I will not suggest, by word, sign,
16 or gesture, how the voter should vote; I will confine my assistance
17 to answering the voter's questions, to stating propositions on the
18 ballot, and to naming candidates and, if listed, their political
19 parties; I will prepare the voter's ballot as the voter directs; I
20 did not pressure or intimidate the voter into choosing me to
21 provide assistance; and I am not the voter's employer, an agent of
22 the voter's employer, or an officer or agent of a labor union to
23 which the voter belongs."

24 SECTION 4.03. Section 86.0052, Election Code, is amended to
25 read as follows:

1 Sec. 86.0052. COMPENSATION FOR CARRIER ENVELOPE ACTION
2 PROHIBITED. (a) A person commits an offense if the person:

3 (1) compensates or offers to compensate another person
4 for depositing the carrier envelope in the mail or with a common or
5 contract carrier as provided by Section 86.0051(b)~~[, as part of any~~
6 ~~performance-based compensation scheme based on the number of~~
7 ~~ballots deposited or in which another person is presented with a~~
8 ~~quota of ballots to deposit as provided by Section 86.0051(b)]~~; or

9 (2) [~~engages in another practice that causes another~~
10 ~~person's compensation from or employment status with the person to~~
11 ~~be dependent on the number of ballots deposited as provided by~~
12 ~~Section 86.0051(b)~~]; or

13 ~~[(3)] [with knowledge that accepting compensation for~~
14 ~~such activity is illegal,~~] solicits, receives, or accepts
15 compensation for an activity described by Subdivision (1) [~~or (2)~~].

16 (b) [~~Except as provided by Subsection (c), an offense under~~
17 ~~this section is a misdemeanor punishable by:~~

18 ~~(1) confinement in jail for a term of not more than one~~
19 ~~year or less than 30 days; or~~

20 ~~(2) confinement described by Subdivision (1) and a fine~~
21 ~~not to exceed \$4,000.~~

22 ~~(e)]~~ An offense under this section is a state jail felony if
23 it is shown on the trial of an offense under this section that the
24 defendant was previously convicted two or more times under this
25 section.

1 (c) [~~(d)~~] An officer, director, or other agent of an entity
2 that commits an offense under this section is punishable for the
3 offense.

4 (d) [~~(e)~~] For purposes of this section, compensation means
5 any form of monetary payment, goods, services, benefits, or
6 promises or offers of employment, political favor, official act of
7 discretion, or any other form of consideration offered to another
8 person in exchange for depositing ballots.

9 SECTION 4.04. Section 86.010, Election Code, is amended by
10 amending Subsections (e), (h), and (i) and adding Subsection (i-1)
11 to read as follows:

12 (e) A person who assists a voter to prepare a ballot to be
13 voted by mail shall enter on the official carrier envelope of the
14 voter:

15 (1) the person's signature, printed name, and residence
16 address;

17 (2) the manner of any assistance provided to the voter
18 by the person; and

19 (3) the relationship of the person providing the
20 assistance to the voter [~~on the official carrier envelope of the~~
21 ~~voter~~].

22 (h) Subsection (f) does not apply to:

23 (1) a violation of Subsection (c), if the person is
24 related to the voter within the second degree by affinity or the
25 third degree by consanguinity, as determined under Subchapter B,

1 Chapter 573, Government Code, or was physically living in the same
2 dwelling as the voter at the time of the event; or

3 (2) a violation of Subsection (e), if the person is
4 related to the voter within the second degree by affinity or the
5 third degree by consanguinity, as determined under Subchapter B,
6 Chapter 573, Government Code.

7 (i) An offense under this section for a violation of
8 Subsection (c) is increased to the next higher category of offense
9 if it is shown on the trial of an offense under this section that:

10 (1) the defendant was previously convicted of an offense
11 under this code;

12 (2) the offense involved a voter 65 years of age or
13 older; or

14 (3) the defendant committed another offense under this
15 section in the same election.

16 (i-1) An offense under this section for a violation of
17 Subsection (e) is a felony of the third degree if it is shown on
18 the trial of the offense that the person committed an offense under
19 Section 64.036 for providing unlawful assistance to the same voter
20 in connection with the same ballot.

21 SECTION 4.05. Section 86.0105, Election Code, is amended to
22 read as follows:

23 Sec. 86.0105. COMPENSATION FOR ASSISTING VOTERS PROHIBITED.

24 (a) A person commits an offense if the person:

1 (1) compensates or offers to compensate another person
2 for assisting voters as provided by Section 86.010[~~, as part of any~~
3 ~~performance based compensation scheme based on the number of voters~~
4 ~~assisted or in which another person is presented with a quota of~~
5 ~~voters to be assisted as provided by Section 86.010]; or~~

6 (2) [~~engages in another practice that causes another~~
7 ~~person's compensation from or employment status with the person to~~
8 ~~be dependent on the number of voters assisted as provided by~~
9 ~~Section 86.010; or~~

10 [~~(3)~~] [~~with knowledge that accepting compensation for~~
11 ~~such activity is illegal,]~~ solicits, receives, or accepts
12 compensation for an activity described by Subdivision (1) [~~or (2)~~].

13 (b) [~~Except as provided by Subsection (c), an offense under~~
14 ~~this section is a misdemeanor punishable by:~~

15 (1) ~~confinement in jail for a term of not more than one~~
16 ~~year or less than 30 days; or~~

17 (2) ~~confinement described by Subdivision (1) and a fine~~
18 ~~not to exceed \$4,000.~~

19 ~~(c)~~] An offense under this section is a state jail felony
20 [~~if it is shown on the trial of an offense under this section that~~
21 ~~the defendant was previously convicted two or more times under this~~
22 ~~section)].~~

23 (c) [~~(d)~~] An officer, director, or other agent of an entity
24 that commits an offense under this section is punishable for the
25 offense.

1 (d) [~~(e)~~] For purposes of this section, compensation means
2 any form of monetary payment, goods, services, benefits, or
3 promises or offers of employment, political favor, official act of
4 discretion, or any other form of consideration offered to another
5 person in exchange for assisting voters.

6 SECTION 4.06. Section 86.013, Election Code, is amended by
7 amending Subsection (b) to read as follows:

8 (b) Spaces must appear on the reverse side of the official
9 carrier envelope for:

10 (1) indicating the identity and date of the election;
11 [~~and~~]

12 (2) entering the signature, printed name, and residence
13 address of a person other than the voter who deposits the carrier
14 envelope in the mail or with a common or contract carrier; and

15 (3) indicating the manner of any assistance provided by
16 a person assisting the voter, and the relationship of that person
17 to the voter.

18 ARTICLE 5. FRAUD AND UNLAWFUL PRACTICES

19 SECTION 5.01. Chapter 63, Election Code, is amended by adding
20 Section 63.0111 to read as follows:

21 Sec. 63.0111. OFFENSES RELATED TO PROVISIONAL VOTING.

22 (a) An election judge commits an offense if the judge knowingly
23 provides a voter with a form for an affidavit required by Section
24 63.001 if the form contains false information entered thereon by
25 the judge.

1 (d) An offense under this section is a state jail felony.

2 SECTION 5.02. Section 64.012(a), Election Code, is amended to
3 read as follows:

4 (a) A person commits an offense if the person:

5 (1) votes or attempts to vote in an election in which
6 the person knows the person is not eligible to vote;

7 (2) knowingly votes or attempts to vote more than once
8 in an election;

9 (3) knowingly votes or attempts to vote a ballot
10 belonging to another person, or by impersonating another person;
11 ~~[or]~~

12 (4) knowingly marks or attempts to mark any portion of
13 another person's ballot without the consent of that person, or
14 without specific direction from that person how to mark the ballot;
15 or

16 (5) knowingly votes or attempts to vote in an election
17 in this state after voting in an election in another state that is
18 held on the same day.

19 SECTION 5.03. Sections 276.012, Election Code, is amended to
20 read as follows:

21 Sec. 276.012. ENGAGING IN ORGANIZED ELECTION FRAUD ACTIVITY.

22 (a) A person commits an offense if, with the intent to establish,
23 maintain, further, or participate in a vote harvesting
24 organization, the person:

25 (1) commits or conspires to commit one or more offenses

1 under Titles 1 through 7;

2 (2) directly or through a third party, provides or
3 offers to provide vote harvesting services to a candidate for
4 office in exchange for compensation or other benefit;

5 (3) directly, or through a third party, offers or
6 provides compensation or other benefit to another person in
7 exchange for vote harvesting services; or

8 (4) knowingly collects or possesses a mail ballot or
9 official carrier envelope from a voter in connection with vote
10 harvesting services.

11 (b) An offense listed under Subsections (a)(2), (3), or (4)
12 is a third degree felony. Except as provided by Subsection (c), an
13 offense listed under Subsection (a)(1) is one category higher than
14 the most serious offense listed in Subsection (a)(1) that is
15 committed, and if the most serious offense is a Class A
16 misdemeanor, the offense is a state jail felony. If conduct that
17 constitutes an offense under this section also constitutes an
18 offense under any other law, the actor may be prosecuted under this
19 section, the other law, or both.

20 (c) At the punishment stage of a trial, the defendant may
21 raise the issue as to whether in voluntary and complete
22 renunciation of the offense the defendant withdrew from the vote
23 harvesting organization before commission of an offense listed in
24 Subsection (a)(1) and made substantial effort to prevent the
25 commission of the offense. If the defendant proves the issue in

1 the affirmative by a preponderance of the evidence, the offense is
2 the same category of offense as the most serious offense listed in
3 Subsection (a)(1) that is committed.

4 (d) In this section: [7]

5 (1) "Benefit" has the meaning assigned by Section
6 36.01(3), Penal Code.

7 (2) "Vote [~~vote~~ harvesting organization" means three or
8 more persons who collaborate in committing offenses under Titles 1
9 through 7, although participants may not know each other's
10 identity, membership in the organization may change from time to
11 time, and participants may stand in a candidate-consultant, donor-
12 consultant, consultant-field operative, or other arm's length
13 relationship in the organization's operations; and

14 (3) "Vote harvesting services" means personal services
15 that include direct interaction with one or more voters in
16 connection with an official ballot, ballot by mail, or an
17 application for ballot by mail that are performed with the
18 intention that ballot be cast for a specific candidate or measure.

19 SECTION 5.04. Sections 276.013(a) and (b), Election Code, is
20 amended to read as follows:

21 (a) A person commits an offense if the person knowingly or
22 intentionally makes any effort to:

23 (1) influence the independent exercise of the vote of
24 another in the presence of the ballot or during the voting process;

25 (2) cause a voter to become registered, a ballot to be

1 obtained, or a vote to be cast under false pretenses; [~~or~~]

2 (3) count invalid votes or alter a report to include
3 invalid votes;

4 (4) fail to count valid votes or alter a report to
5 exclude valid votes; or

6 [~~3~~] (5) cause any intentionally misleading statement,
7 representation, or information to be provided:

8 (A) to an election official; or

9 (B) on an application for ballot by mail, carrier
10 envelope, or any other official election-related form or document.

11 (b) An offense under this section is a felony of the second
12 degree [~~Class A misdemeanor~~].

13 SECTION 5.05. Chapter 276, Election Code, is amended by
14 adding Sections 276.014, 276.015, 276.016, 276.017, and 276.018 to
15 read as follows:

16 Sec. 276.015. UNLAWFUL SOLICITATION OR DISTRIBUTION OF
17 APPLICATION TO VOTE BY MAIL. (a) This section applies to an
18 application to vote by mail required under Section 84.001.

19 (b) A public official commits an offense if the public
20 official knowingly:

21 (1) solicits the submission of an application by a person
22 who did not request the application;

23 (2) distributes an application to a person who did not
24 request the application, unless the distribution is expressly
25 authorized by another provision of this code;

1 (3) authorizes the expenditure of public funds to
2 facilitate third party distribution of an application to a person
3 who did not request the application; or

4 (4) completes any portion of an application to vote by
5 mail and distributes the application to an applicant with intent
6 that the applicant will submit the application on the applicant's
7 behalf to the early voting clerk.

8 (c) An offense under this section is a state jail felony.

9 (d) It is an exception to the application of Subsection
10 (b)(4) that the public official lawfully assisted the applicant as
11 authorized under Section 84.003.

12 Sec. 276.016. UNLAWFUL DISTRIBUTION OF BALLOTS AND BALLOTING
13 MATERIALS. (a) The early voting clerk or other election official
14 may not knowingly mail or distribute a ballot or balloting
15 materials for an early voting ballot to be voted by mail to a
16 person other than the applicant who submitted the application
17 required by Section 84.001.

18 (b) A person who violates this section commits an offense. An
19 offense under this section is a state jail felony.

20 Sec. 276.017. PERJURY IN CONNECTION WITH CERTAIN VOTING
21 PROCEDURES. (a) A person commits an offense if, with intent to
22 deceive and with knowledge of the statement's meaning, the person
23 makes a false statement when making the oath described by Section
24 64.034 or swears to the truth of a false statement previously made
25 when making the oath described by Section 64.034.

1 If an attorney for the state is presented with the requisite number
2 of affidavits under Section 273.001, Election Code, on or after the
3 60th day before the date of a regular or special election that
4 allege criminal conduct that would constitute an offense under
5 Chapter 276, Election Code, the attorney for the state shall
6 determine if the investigation can be conducted expeditiously by
7 the attorney or the attorney's staff so that a presentation of an
8 information or indictment may be made in time to prevent ongoing or
9 deter future criminal activity constituting an offense under
10 Chapter 276, Election Code.

11 (b) The attorney for the state shall make the determination
12 required under Subsection (a) not later than the 48th hour after
13 the affidavits are presented.

14 (c) If the attorney for the state determines that an
15 investigation cannot be completed expeditiously as provided by
16 Subsection (a), the attorney shall notify the presiding judge of
17 the court of criminal appeals not later than the 24th hour after
18 the time of determination. A three-judge panel shall be appointed
19 as provided under Subsection (d). The panel shall appoint, from
20 any county or district, an attorney for the state to perform the
21 duties of the office in connection with the investigation of the
22 presented affidavits.

23 (d) The presiding judge of the court of criminal appeals
24 shall appoint a three-judge panel in the same manner and under the
25 same conditions as the appointment by the chief justice of the

1 supreme court of a three-judge panel under Chapter 22A, Government
2 Code.

3 (b) An attorney pro tem appointed under this article is
4 subject to the limitations in Article 2.07(b).

5 (c) In this article, "attorney for the state" has the meaning
6 assigned by Article 2.07(d).

7 SECTION 6.02. Subchapter A, Chapter 22, Government Code, is
8 amended by adding Section 22.0015 to read as follows:

9 Sec. 22.0015. PRIORITY OF APPEALS IN CERTAIN ELECTION
10 CASES. Beginning on the 60th day before the date of a regular or
11 special election, the supreme court must give absolute preference
12 to a matter that is related to a request for injunctive relief
13 under Section 273.081, Election Code, that is prompted by an
14 allegation of activity that would constitute an offense under
15 Chapter 276, Election Code. After assignment of the matter under
16 Section 22.222(b), the supreme court shall promptly hear the
17 appeal, by electronic means or otherwise, after the clerk of the
18 court receives a written request for oral argument. The supreme
19 court must hear an appeal under this section not later than the
20 24th hour after the time the last brief permitted to be filed in
21 the appeal is filed.

22 SECTION 6.03. Chapter 22, Government Code, is amended by
23 adding Section 22.2205 to read as follows:

24 Sec. 22.2205. PRIORITY OF APPEALS IN CERTAIN ELECTION
25 CASES. Beginning on the 60th day before the date of a regular or

1 special election, a court of appeals must give absolute preference
2 to a matter that is related to a request for injunctive relief
3 under Section 273.081, Election Code, that is prompted by an
4 allegation of activity that would constitute an offense under
5 Chapter 276, Election Code. After assignment of the matter under
6 Section 22.222(b), the court of appeals shall promptly hear the
7 appeal, by electronic means or otherwise, after the clerk of the
8 court receives a written request for oral argument. A court of
9 appeals shall hear an appeal under this section not later than the
10 24th hour after the time the last brief permitted to be filed in
11 the appeal is filed.

12 SECTION 6.04. Section 22.222, Government Code, is amended by
13 amending Subsection (b) and adding Subsections (a-1) and (b-1) to
14 read as follows:

15 (b) If more than one panel is used, the court of appeals
16 shall establish rules to periodically rotate the justices among the
17 panels. Permanent civil panels and criminal panels without
18 rotation may not be established. Notwithstanding any other law,
19 including a rule adopted under Sec. 22.004 or a local rule of
20 administration, all cases entitled to priority treatment under
21 Section 23.101(b-1) in the courts of appeals shall be docketed by
22 the clerk of the court and assigned by the clerk to a panel of
23 three judges assigned using an automated system.

24 (b-1) It is an offense for any person, including a public
25 official, to communicate with a clerk of the court in an attempt to

1 influence the assignment of or withhold the assignment of a justice
2 identified by name or political party to a panel hearing an appeal.
3 An offense under this subsection is a state jail felony. As used
4 in the section, the term "public official" has the meaning assigned
5 by Section 1.005(15-a), Election Code.

6 SECTION 6.05. Section 23.101, Government Code, is amended by
7 amending Subsection (b) and adding Subsection (b-1) read as follows

8 (b) Insofar as practicable, and except as provided by
9 Subsection (b-1), the trial courts shall observe the preference
10 provided by Subsection (a) in ruling on, hearing, and trying the
11 matters pending before the courts.

12 (b-1) Beginning on the 60th day before the date of a regular
13 or special election, a trial court must give absolute preference to
14 a matter under Subsection (a)(1) that is a request for injunctive
15 relief under Section 273.081, Election Code, that is prompted by an
16 allegation of activity that would constitute an offense under
17 Chapter 276, Election Code. After assignment of the matter under
18 Section 24.035, the trial court shall promptly conduct a hearing,
19 by electronic means or otherwise, after the judge receives a
20 written hearing request. A trial court must hear a matter under
21 this subsection not later than the 24th hour after the time the
22 hearing request was received.

23 SECTION 6.06. Chapter 24, Government Code, is amended by
24 adding Section 24.035 to read as follows:

25 Sec. 24.035. ASSIGNMENT OF CASES IN DISTRICT COURTS IN

1 CERTAIN ELECTION CASES. (a) Notwithstanding any other law to the
2 contrary, including a rule adopted under Sec. 22.004 or a local
3 rule of administration, all cases entitled to priority treatment
4 under Section 23.101(b-1) in the district courts of a county shall
5 be docketed and assigned at random by the district clerk using an
6 automated system.

7 (b) In assigning a case to a district court, the district
8 clerk shall take into consideration any requirement in law that a
9 district court in that county give preference to specific matters.

10 (c) If a county court has concurrent jurisdiction with a
11 district court over cases entitled to priority treatment under
12 Section 23.101(b-1), the county clerk shall perform the duties of
13 the district clerk under Subsections (a) and (b).

14 (d) It is an offense for a person, including a public
15 official, to communicate with a district or county clerk in an
16 attempt to influence the assignment of cases or withhold the
17 assignment of cases to a judge identified by name or political
18 party. An offense under this subsection is a state jail felony. As
19 used in the section, the term "public official" has the meaning
20 assigned by Section 1.005(15-a), Election Code.

21 ARTICLE 7. TRANSITION; EFFECTIVE DATE

22 SECTION 7.01. The change in law made by this Act applies only
23 to an offense committed on or after the effective date of this Act.
24 An offense committed before the effective date of this Act is
25 governed by the law in effect on the date the offense was

1 committed, and the former law is continued in effect for that
2 purpose. For purposes of this section, an offense was committed
3 before the effective date of this Act if any element of the offense
4 occurred before that date.

5 SECTION 7.02. This Act takes effect September 1, 2021.